

*Honorable Barbara J. Rothstein*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

FREDERICK and ANNALESA THOMAS;  
and JO-HANNA READ, as Guardian ad  
Litem of E.T., a minor,

Plaintiffs,

v.

JASON CANNON; BRIAN MARKERT;  
RYAN MICENKO; MICHAEL WILEY;  
MICHAEL ZARO; CITY OF FIFE; CITY OF  
LAKEWOOD; and PIERCE COUNTY  
METRO SWAT TEAM,

Defendants.

Nos. 3:15-cv-05346-BJR  
3:16-cv-05392  
CONSOLIDATED CASES

AMENDED NOTICE THAT  
JUDGMENT AGAINST CITY OF  
LAKEWOOD AND INDIVIDUAL  
DEFENDANTS IS SUPERSEDED  
WITHOUT BOND

FREDERICK and ANNALESA THOMAS,  
as Co-Administrators of the Estate of  
Leonard Thomas, and its statutory  
beneficiaries,

Plaintiffs,

v.

BRIAN MARKERT; MICHAEL WILEY;  
NATHAN VANCE; MICHAEL ZARO;  
SCOTT GREEN; JEFF RACKLEY; CITY OF  
FIFE; CITY OF LAKEWOOD; PIERCE  
COUNTY METRO SWAT TEAM; and  
JOHN DOES 1 through 10,

Defendants.

AMENDED NOTICE THAT JUDGMENT AGAINST CITY  
OF LAKEWOOD IS SUPERSEDED WITHOUT BOND - 1

SMITH GOODFRIEND, P.S.  
1619 8<sup>TH</sup> AVENUE NORTH  
SEATTLE, WASHINGTON 98109  
(206) 624-0974 FAX (206) 624-0809

1 Defendant/appellant the City of Lakewood, hereby supersedes the judgment  
 2 in this action, as amended, in favor of plaintiffs against the City of Lakewood, and,  
 3 having agreed by vote of its City Council on February 5, 2018 to indemnify individual  
 4 defendants/appellants Michael Zaro, Michael Wiley, and Brian Markert for punitive  
 5 damages in this action, also supersedes the judgment, as amended, against said  
 6 individual defendants/appellants, pending appeal, plus any attorney fees and costs  
 7 that may be assessed against defendants in this action and on appeal, without bond,  
 8 pursuant to RCW 4.96.041(4) and RCW 4.96.050.

9 DATED this 8<sup>th</sup> day of February, 2018.

10 SMITH GOODFRIEND, P.S.

11 By: /s/Howard M. Goodfriend  
 Howard M. Goodfriend, WSBA # 14355

12 By: /s/Catherine W. Smith  
 Catherine W. Smith, WSBA # 9542

13 By: /s/Ian C. Cairns  
 Ian C. Cairns, WSBA # 43210

14 Attorneys for Defendants/Appellants  
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CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2018, I electronically filed the foregoing Amended Notice that Judgment Against City of Lakewood and Individual Defendants is Superseded without Bond with the Clerk of the Court for the United States District Court, Western District of Washington using the CM/ECF system, which will send notification of such filing to all counsel of record.

**DATED** at Seattle, Washington this 8<sup>th</sup> day of February, 2018.

*s/ Peyush Soni*